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7 *Attorneys for Defendant*  
8 *Brandon Wolden erroneously named as B Wolden*

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 DAINE ANTON CRAWLEY,  
12 Plaintiff,  
13 vs.  
14 B WOLDEN, et al.  
15 Defendants.

Case No.: 2:19-cv-02179-APG-BNW

**DEFENDANT BRANDON  
WOLDEN'S MOTION TO EXTEND  
DISCOVERY (1st Request)  
(ECF No. 44)**

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17 Defendant Brandon Wolden, erroneously sued as B Wolden, ("WOLDEN"), by and  
18 through his counsel, Kaempfer Crowell, respectfully moves for an order extending the discovery  
19 deadlines by 90 days. This Motion is based on the following memorandum of points and  
20 authorities.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. PROCEDURAL HISTORY**

23 Plaintiff filed a Motion/Application for Leave to Proceed in forma pauperis with his  
24 initial Complaint attached on December 18, 2019. [ECF No. 1]. Thereafter, a First Amended

1 Complaint, [ECF No. 15] and Second Amended Complaint, [ECF No. 17] were filed. The Court  
2 screened the initial Complaint, First Amended Complaint and Second Amended Complaint. On  
3 June 1, 2021, Plaintiff filed his Third Amended Complaint, [ECF No. 28] which was served on  
4 Wolden on November 8, 2021. Wolden filed his Answer to the Third Amended Complaint on  
5 November 23, 2021. [ECF No. 40].

6 On February 1, 2022, this Court issued the current Scheduling Order. [ECF No. 44]. The  
7 Scheduling Order provides for ninety (90) days for the parties to complete discovery from the  
8 date of the Scheduling Order; May 2, 2022. The Scheduling Order was absent of a deadline to  
9 disclose expert reports. As such, the current expert disclosure deadline is March 3, 2022  
10 pursuant to LR 26-1(b)(3). This is only thirty (30) days from the date of filing of this Motion.

11 Wolden is currently preparing his initial Rule 26 Disclosures and intends to provide them  
12 to Plaintiff within ten (10) days of this Request. In addition, the discovery which remains to be  
13 completed includes: serving written discovery on Plaintiff (Interrogatories, Requests for  
14 Production of Documents and Requests for Admissions), serving subpoenas to third-parties as  
15 necessary, retention and disclosure of experts, and the deposition of Plaintiff.

## 16 **II. AN EXTENSION IS WARRANTED**

17 There is good cause to extend the discovery cut off deadline, expert disclosure deadline,  
18 rebuttal expert disclosure deadline, dispositive motion deadline, and pretrial order deadline. This  
19 case is still in its earliest stages. Indeed, Wolden recently filed his Answer to the Third  
20 Amended Complaint during the holiday season. Wolden intends to provide his initial Rule 26  
21 Disclosures to Plaintiff by February 11, 2022, and has not yet received any discovery or  
22 disclosures from Plaintiff. The current expert disclosure deadline is March 3, 2022 pursuant to  
23 LR 26-1(b)(3). Wolden has not had enough time to conduct discovery to determine if it will be  
24 necessary to retain an expert witness.

In addition to the reasons stated, Plaintiff is representing himself in Proper Person and is currently incarcerated. Wolden anticipates there will be delays associated with his incarceration.

This Request is timely pursuant to LR 26-3 and is being requested at this time in advance of any deadlines. No party will be prejudiced if the discovery deadlines are extended. As already mentioned, this case is still in its earliest stages. Wolden has not been able to conduct any initial written discovery; none of the parties have served any initial disclosures; and the contours of this case are still in formation. Wolden is still in the process of determining the litigation strategy in this case; including whether it will be necessary to retain an expert witness.

### III. PROPOSED DATES

Wolden requests that the Scheduling Order be amended to reflect the following extension of 90 days:

<u>Activity</u>	<u>Current Date</u>	<u>Proposed Date</u>
Discovery Cut-Off	May 2, 2022	August 1, 2022
Expert Disclosure	March 3, 2022	June 1, 2022
Rebuttal Expert Disclosure	April 4, 2022	July 5, 2022
Dispositive Motions	June 1, 2022	September 1, 2022
Proposed Joint Pretrial Order	July 1, 2022	September 29, 2022

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1 **IV. CONCLUSION**

2 Wolden is not attempting to delay the conclusion of this matter; rather he is requesting an  
3 extension to complete necessary discovery. Based upon the foregoing, Wolden respectfully  
4 requests the Court enter a new Scheduling Order with the dates proposed above.

5 DATED this 3rd day of February, 2022.

6 KAEMPFER CROWELL

7  
8 By: /s/ Lyssa S. Anderson

9 LYSSA S. ANDERSON (Nevada Bar No. 5781)

10 RYAN W. DANIELS (Nevada Bar No. 13094)

11 1980 Festival Plaza Drive, Suite 650

12 Las Vegas, Nevada 89135

13 *Attorneys for Defendant*

14 *Brandon Wolden erroneously named as B Wolden*

15 **ORDER**

16 IT IS ORDERED that ECF No. 45 is  
17 DENIED without prejudice for failure  
18 to meet and confer with Plaintiff.

19 IT IS SO ORDERED

20 DATED: 2:49 pm, February 07, 2022

21 

22 BREND A WEKSLER

23 UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I certify that I am an employee of KAEMPFER CROWELL, and that on the date below, I caused the foregoing **DEFENDANT BRANDON WOLDEN'S MOTION TO EXTEND DISCOVERY (1st Request) (ECF No. 44)** to be served via CM/ECF and/or First Class Mail (where indicated) addressed to the following:

Daine Anton Crawley, #1167447  
Warm Springs Correctional Center  
P.O. Box 7007  
Carson City, NV 89702

***Plaintiff, Pro Se***

DATED this 3rd day of February, 2022.

/s/ Luisa M. Cota  
an employee of Kaempfer Crowell